

**Responses to Comments**  
**Final 2002 Report on The Ten-Year Review of Solid Waste Management Permits**

DEQ Region	Commenter code	Comment number	Comment	Response
WCRO	RVRA	1	Roanoke Valley Resource Authority (RVRA) states a financial mechanism has been submitted and revised to address financial assurance requirements for permits 546 and 555. The current mechanism used is the corporate financial test, not the local government financial test.	The permit review checklist has been revised to state the corporate financial test, not the local government financial test, is being used to provide financial assurance.
WCRO	RVRA	2	RVRA states the correct name of the transfer station located on Hollins Road is the Tinker Creek Transfer Station, not the Hollins Road Transfer Station.	The name appearing on the permit review checklist and the compliance review worksheet have been changed to the name appearing on the permit issued to the facility, Roanoke Transfer Station.
WCRO	RVRA	3	RVRA states the indicated alleged violations correspond to the inspection reports in their files and that facility records indicate that all problems and misunderstandings have been resolved.	The Department appreciates RVRA's commitment to correct problems noted during inspections.
WCRO	548	4	Commenter states a wetlands assessment was filed with the agency on August 24, 1999 and accepted. There were no instructions provided on filing an amended permit. An amendment application is currently under review by the agency and includes the wetlands determination.	The permit was reviewed for all elements required for permit issuance today. The requirement to submit a wetlands assessment was a statutory requirement that was added to the VSWMR after the original permit was issued. The department acknowledges this information is being reviewed as part of the permit amendment currently under review.

WCRO	548	5	Permit 548 does not include an unauthorized waste program; however, an unauthorized waste program has been developed and submitted to the department. The current amendment request submitted to the department contains the program.	The permit was reviewed for all elements required for permit issuance today. The requirement to have an unauthorized waste program was a requirement that was added to the VSWMR after the original permit was issued. The department acknowledges this information is being reviewed as part of the permit amendment currently under review.
WCRO	548	6	Seven violations noted on the compliance review worksheet for permit 548 involved storing too many tires on site. These violations occurred during a period when a permit amendment request to allow more tires to be stored on site was under review by the department. These violations could have been avoided if the department would have expedited the review of the amendment or if the authority would have occurred greater costs by keeping a smaller quantity of tires on site. Since the quantity of tires stored was within regulatory allowances, and the proposed plan under review by the department met all requirements, the authority exercised the plan.	Compliance staff are responsible for inspecting facilities for compliance with current regulations, statutory requirements, and permit requirements. When operations or activities not in accordance with the permit, regulations or statute are noted at facilities, compliance staff must record the occurrences. If a facility wishes to make changes to operations or activities at a facility, proper approval and/or a permit modification if necessary should be obtained from the department before changes are implemented.
WCRO	548	7	Several of the compaction and cover violations noted for permit 548 pertained to operating too large of a working face. A permit amendment request was submitted to the department to enlarge the working face before the working face was enlarged.	Compliance staff are responsible for inspecting facilities for compliance with current regulations, statutory requirements, and permit requirements. When operations or activities not in accordance with the permit, regulations or statute are noted at facilities, compliance staff must record the occurrences. If a facility wishes to make changes to operations or activities at a facility, proper

				approval should be obtained from the department before changes are implemented.
WCRO	548	8	Another violation noted for permit 548 was for use of Alternate Daily Cover. The authority believed approval had been transferred from the Ingles Mountain facility to permit 548. After being notified the approval had not been transferred from one facility to another, the agency was petitioned and approval was received.	Compliance staff are responsible for inspecting facilities for compliance with current regulations, statutory requirements, and permit requirements. When operations or activities not in accordance with the permit, regulations or statute are noted at facilities, compliance staff must record the occurrences. If a facility wishes to make changes to operations or activities at a facility, proper approval should be obtained from the department before changes are implemented.
WCRO	548	9	The violation associated with financial responsibility for permit 548 is in error. The comment pertains to an advisory comment that financial assurance was becoming due.	The violation relating to financial assurance has been removed from the compliance review worksheet for permit 548.
WCRO	538	10	Authority requests DEQ to allow permit 538 to remain a valid permit and to allow permit deficiencies to be addressed when the authority decides to construct the permitted facility.	Facilities will be contacted on an individual basis if the Director intends to amend or revoke their permit as a result of this review. The notification will include additional information and details concerning the changes to be made to the existing permit.
WCRO	552	11	The permit review checklist for permit 552 states the groundwater monitoring plan lacks specificity. The commenter states they wish to address this issue with the department as part of discussions taking place concerning Phase I/Phase II monitoring.	The department's groundwater staff have been working with this facility to address these issues.

PRO	545	12	Henrico County states that the compliance history review unfairly represents the County's regulatory compliance efforts. One third of the alleged violations are related to decomposition gases that required engineering and procurement of a contract to correct. A permit amendment is currently under review to correct problems at the facility concerning landfill gas.	The department realizes that some violations are unable to be corrected by facilities immediately and require engineering and implementation time in order to correct the violation. However, compliance staff are tasked with recording conditions at facilities during inspections and must note noncompliance with the statutes, regulations, or permits as part of the inspection. The department appreciates the diligence of the facility to correct alleged violations.
PRO	545	13	The permit review checklist states the Part A siting criteria was not submitted; however, the facility states this information was submitted to the department April 27, 1993.	The department reviewed the contents of the permit and Part A siting criteria has not been included in the permit; therefore, no changes are necessary to the permit review checklist.
PRO	545	14	Henrico County states the permit review checklist for permit 545 states items numbered 2 to 7 are required to be in the permit, but were not found. Henrico County states they submitted a major permit amendment in December 2001 addressing all of these items.	The permit was reviewed for all elements required for permit issuance today. The department acknowledges a permit amendment is being reviewed that includes the missing elements.
PRO	545	15	Henrico County states an unauthorized waste acceptance plan was placed in the facility operating record and implemented November 2001.	The department reviewed the contents of the permit and an unauthorized waste acceptance plan has not been included in the permit; therefore, no changes are necessary to the permit review checklist.

PRO	545	16	Henrico County states they have maintained financial assurance as required by the regulations and that a closure cost estimate was included in the 1992 permit.	The comment has been revised to read "Financial Assurance information was not included in the permit; however, mechanism documentation has been submitted to the department in accordance with requirements found in 9 VAC 20-70-10 et. seq.
NVRO	542	17	UOSA recommends changing the compliance history report to include a listing of each alleged violation and a discussion of the corrective actions. UOSA believes the report does not meet the requirements of the code.	The format for reporting compliance histories of facilities used for the 2002 report was identical to the format used for the previous year's report. The format used quickly gives insight to areas in which the facility had difficulty maintaining compliance with the regulations and emphasizes areas in which a facility received repeat violations. The code requires the department to issue written findings, and the department chose to issue the findings using a standard format to display the findings in a consistent manner. The department is confused as to why UOSA is concerned about the format of compliance histories since this facility experienced no violations over the review period and the compliance review worksheet displays no violations.

NVRO	542	18	UOSA recommends adding a historical summary of the material changes made to the permit and to key landfill personnel for each facility with a descriptive summary in the Findings/Deficiency box.	The permit review checklist includes dates the permit was amended. The department did not choose to review the previous versions of permits, but instead chose to review the current permit issued to the facility since the current permit contains the requirements facilities are subject to. The department also chose not to include a summary of previous key landfill personnel for each facility since disclosure statements are revised on a quarterly basis if changes in key personnel have taken place. Limited value would be obtained by reporting contents of previous versions of permits that facilities are no longer subject to follow or by listing a history of prior landfill personnel for the past ten years.
NVRO	542	19	UOSA states the permit review checklist assesses the regulations on which the original permit was not based as required by code.	The department interprets the statute to state the department must compare the permit to the current regulatory requirements for permit issuance today. The department's findings state differences between the permit issued and the current requirements for permit issuance.
NVRO	542	20	UOSA states the report seems to equate the word limitation with deficiency, when a limitation is not necessarily a deficiency.	The term deficiency has been removed from the permit review checklist and has been replaced with the word limitation.

NVRO	542	21	UOSA states that a permit issued prior to Amendment 2 of the VSWMR is not necessarily deficient but may be limited when compared to current standards and regulations.	The term deficiency has been removed from the permit review checklist and has been replaced with the word limitation.
NVRO	542	22	UOSA suggests including all newer requirements that the permittee has met since the permit was issued and those requirements that have not been met as of the time of publication of the ten-year review report.	A review was conducted on the content of the permit, and the contents were compared to current regulatory requirements for permit issuance. The permit review checklist displays areas in which the permit does not meet current statutory or regulatory requirements.
NVRO	542	23	UOSA recommends numbering all pages in the report and the appendices.	This change has been made.
NVRO	542	24	UOSA recommends repeating column headings at the top of permit review worksheets.	This change has been made.
NVRO	542	25	UOSA recommends changing the first page of the permit review worksheets to read findings/limitations instead of findings/deficiencies.	The term deficiency has been removed from the permit review checklist and has been replaced with the word limitation.
NVRO	542	26	UOSA states that the Part A approval letter is not required to be included in the permit. Requests the statement to be removed from UOSA's permit review checklist or change the statement to state "Elements of Part A application were discussed in the permit. The issued permit does not discuss Part A approval."	The statement has been revised to read "The issued permit does not discuss Part A approval. Elements of the Part A application were discussed in the permit."

NVRO	542	27	UOSA states their Part A application addressed wetlands and floodplain, but DEQ did not choose to include the information in the permit. Suggests removing the statement concerning descriptions of floodplains not included in the permit. If the department intends to keep the comment, UOSA suggests the following statement be used "The permit does not include descriptions of floodplains or wetlands information. UOSA submitted floodplain and wetland information on pages VI-F-1 and -2 on its Part A permit application."	The department reviewed the contents of the permit and information on wetlands and floodplains was not included in the permit, therefore no changes are necessary to the permit review checklist.
NVRO	542	28	UOSA recommends striking item 3 listed on the permit review checklist in the findings/deficiency box since a gas management plan is not required due to the nature of the wastes.	The comment has been removed from the findings/limitation box. .
NVRO	542	29	UOSA requests item 4 listed on the permit review checklist in the findings/deficiency box be removed since page 7 of the permit review checklist states a unauthorized waste acceptance plan is not applicable. UOSA has provided a waste acceptance plan to DEQ. If the department intends to keep the item, UOSA requests the item to read "Permit discusses waste acceptance requirements for UOSA. UOSA submitted a waste acceptance plan to DEQ. UOSA's waste acceptance plan is not discussed in the permit."	A waste acceptance plan for this facility has been submitted to the department, but since it is not part of the permit, this document was not included in the review of the permit.



NVRO	542	30	UOSA comments that the regulations do not require financial assurance information to be included in the permit, but that they have submitted the required financial assurance to DEQ as required. UOSA suggests changing item 6 in the findings/deficiencies box to read "Financial Assurance information was not included in the permit. UOSA has met all financial assurance requirements."	The comment has been revised to read "Financial Assurance information was not included in the permit, however mechanism documentation has been submitted to the department in accordance with requirements found in 9 VAC 20-70-10 et. seq."
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### Commenters

Commenter code	Commenter	Affiliation	Address
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